IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Kraemer et al.** §	
§	Group Art Unit: **3692**
Serial No. **09/505,031** §	
§	Examiner: **Graham, Clement B.**
Filed: **February 16, 2000** §	
§	
For: **Method and System for** §	
Identifying Teaser Surfers with Time §	
Series Credit History	

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37945
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on December 15, 2006.

A fee of $500.00 is required for filing an Appeal Brief. Please charge this fee to IBM Corporation Deposit Account No. 09-0457. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0457. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0457.

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation of Armonk, New York.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-45.

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: NONE.
2. Claims withdrawn from consideration but not canceled: NONE.
3. Claims pending: 1-45.
4. Claims allowed: NONE.
5. Claims rejected: 1-45.
6. Claims objected to: NONE.

C. CLAIMS ON APPEAL

The claims on appeal are: 1-45.

STATUS OF AMENDMENTS

There are no amendments after the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1:

The present invention provides a data processing system implemented method for identifying teaser surfers. (Specification, page 8, lines 13-29) The present invention provides for receiving, by the data processing system, a credit history data for a creditor. (Specification, page 14, lines 13-16) The present invention provides for summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months. (Specification, page 14, lines 22-24) The present invention provides for summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months. (Specification, page 14, lines 24-25) The present invention provides for calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months. (Specification, page 15, lines 17-19) The present invention provides for calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months. (Specification, page 15, lines 21-24) The present invention provides for comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. (Specification, page 16, lines 16-18) The present invention provides for issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. (Specification, page 16, lines 18-21)

Dependent claims 2, 12, 18, 22, 32, and 38:

The present invention provides for summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months. (Specification, page 14, lines 25-26) The present invention provides for calculating a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months. (Specification, page 15, lines 19-21) The present invention provides for calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months. (Specification, page 15, lines 24-27) The present invention provides for comparing the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt. (Specification, page 16, lines 16-18) The present invention provides for issuing a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt. (Specification, page 16, lines 18-24)

Dependent claims 3, 4, 13, 23, 24, and 33:

The present invention provides for a new credit card is a credit card having been issued to the creditor for less than six months. (Specification, page 14, lines 26-27) The present invention provides for the new credit cards are credit cards having been issued to the creditor for a period of time less than a preset time period for low interest teaser interest rates. (Specification, page 15, lines 5-7)

Dependent claims 5, 6, 14, 25, 26, and 34:

The present invention provides for the relatively new credit cards are credit cards having been issued to the creditor for less than twelve months. (Specification, page 14, lines 28-29) The

present invention provides for a relatively new credit card is a credit card having been issued to the creditor for a period of time less than two preset time periods for low interest teaser interest rates. (Specification, page 15, lines 7-9)

Dependent claims 7, 8, 15, 27, 28, and 35:

The present invention provides for the predetermined number of months is twelve months. (Specification, page 13, lines 8-11) The present invention provides for the predetermined number of months is twenty-four months. (Specification, page 13, lines 8-11)

Dependent claims 9, 10, 16, 29, 20, and 36:

The present invention provides for the preset cutoff average percentage of new credit card debt to total credit card debt is sixty-five percent. (Specification, page 16, lines 14-16) The present invention provides for the preset cutoff average percentage of relatively new credit card debt to total credit card debt is eighty-five percent. (Specification, page 16, lines 10-13)

Independent claim 11:

The present invention provides a data processing system implemented method for identifying teaser surfers. (Specification, page 8, lines 13-29) The present invention provides for receiving, by the data processing system, a credit history data for a creditor. (Specification, page 14, lines 13-16) The present invention provides for summing, by the data processing system, a total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months. (Specification, page 14, lines 25-26) The present invention provides for calculating, by the data processing system, a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months. (Specification, page 15, lines 19-21)

The present invention provides for calculating, by the data processing system, an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months. (Specification, page 15, lines 24-27) The present invention provides for comparing, by the data processing system, the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt. (Specification, page 16, lines 16-18) The present invention provides for issuing, by the data processing system, a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt. (Specification, page 16, lines 18-21)

Independent claim 17:

The present invention provides a data processing system implemented method for identifying teaser surfers. (Specification, page 8, lines 13-29) The present invention provides for receiving, by the data processing system, a credit history data for a creditor. (Specification, page 14, lines 13-16) The present invention provides for comparing, by the data processing system, an amount of new credit card debt to a total amount of credit card debt. (Specification, page 16, lines 16-18) The present invention provides for issuing, by the data processing system, a credit card to the creditor based on the comparison of the amount of new credit card debt to the total amount of credit card debt. (Specification, page 16, lines 18-21)

Independent claim 21:

The present invention provides a data processing system for identifying teaser surfers. (Specification, page 6, lines 4-6 and page 8, lines 13-29) The present invention provides for receiving means of the data processing system for receiving credit history data for a creditor. (Specification, page 14, lines 13-16) The present invention provides for summing means of the data processing system for summing total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months. (Specification, page 14, lines 22-24) The present

invention provides for summing means of the data processing system for summing total monthly new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months. (Specification, page 14, lines 24-25) The present invention provides for calculating means of the data processing system for calculating a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months. (Specification, page 15, lines 17-19) The present invention provides for calculating means of the data processing system for calculating an average percentage of new credit card debt to total credit card debt over the predetermined number of months. (Specification, page 15, lines 21-24) The present invention provides for comparing means of the data processing system for comparing the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. (Specification, page 16, lines 16-18) The present invention provides for issuing means of the data processing system for issuing a credit card to the creditor based on the comparison of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. (Specification, page 16, lines 18-21)

The means recited in independent claim 21, as well as dependent claims 22-30, may be data processing system **100** in **Figure 1** operating under control of software performing the steps described in the specification at page 14, line 11 to page 16, line 23, or equivalent.

Independent claim 31:

The present invention provides a data processing system for identifying teaser surfers. (Specification, page 6, lines 4-6 and page 8, lines 13-29) The present invention provides for the data processing system comprising receiving means for receiving credit history data for a creditor. (Specification, page 14, lines 13-16) The present invention provides for the data processing system comprising summing means for summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined

number of months. (Specification, page 14, lines 25-26) The present invention provides for the data processing system comprising calculating means for calculating a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months. (Specification, page 15, lines 19-21) The present invention provides for the data processing system comprising calculating means for calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months. (Specification, page 15, lines 24-27) The present invention provides for the data processing system comprising comparing means for comparing the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt. (Specification, page 16, lines 16-18) The present invention provides for the data processing system comprising issuing means for issuing a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt. (Specification, page 16, lines 18-21)

The means recited in independent claim 31, as well as dependent claims 32-36, may be data processing system **100** in **Figure 1** operating under control of software performing the steps described in the specification at page 14, line 11 to page 16, line 23, or equivalent.

Independent claim 37:

The present invention provides a data processing system for identifying teaser surfers. (Specification, page 6, lines 4-6 and page 8, lines 13-29) The present invention provides for the data processing system comprising receiving means for receiving credit history data for a creditor. (Specification, page 14, lines 13-16) The present invention provides for comparing means for comparing an amount of new credit card debt to a total amount of credit card debt. (Specification, page 16, lines 16-18) The present invention provides for issuing means for issuing a credit card to the creditor based on the comparison of the amount of new credit card debt to the total amount of credit card debt. (Specification, page 16, lines 18-21)

The means recited in independent claim 37, as well as dependent claims 38-40, may be data processing system **100** of **Figure 1** operating under control of software performing the steps described in the specification at page 14, line 11 to page 16, line 23, or equivalent.

Independent claim 41:

The present invention provides a computer program product in a computer-readable medium for use in a data processing system for identifying teaser surfers. (Specification, page 18, lines 10-22 and page 8, lines 13-29) The present invention provides for the computer program product comprising receiving instructions for receiving credit history data for a creditor. (Specification, page 14, lines 13-16) The present invention provides for the computer program product comprising summing instructions for summing total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months. (Specification, page 14, lines 22-24) The present invention provides for the computer program product comprising summing instructions for summing total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months. (Specification, page 14, lines 24-25) The present invention provides for the computer program product comprising calculating instructions for calculating a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months. (Specification, page 15, lines 17-19) The present invention provides for the computer program product comprising calculating instructions for calculating an average percentage of new credit card debt to total credit card debt over the predetermined number of months. (Specification, page 15, lines 21-24) The present invention provides for the computer program product comprising comparing instructions for comparing the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. (Specification, page 16, lines 16-18) The present invention provides for the computer program product comprising issuing instructions for issuing a credit card to the creditor based on the comparison of the

average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. (Specification, page 16, lines 18-21)

A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 41 given **Figure 9** and the corresponding description at page 14, line 11 to page 16, line 23, without undue experimentation.

Independent claim 42:

The present invention provides a computer program product in a computer-readable medium for use in a data processing system for identifying teaser surfers. (Specification, page 18, lines 10-22 and page 8, lines 13-29) The present invention provides for the computer program product comprising receiving instructions for receiving credit history data for a creditor. (Specification, page 14, lines 13-16) The present invention provides for the computer program product comprising summing instructions for summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months. (Specification, page 14, lines 25-26) The present invention provides for the computer program product comprising calculating instructions for calculating a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months. (Specification, page 15, lines 19-21) The present invention provides for the computer program product comprising calculating instructions for calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months. (Specification, page 15, lines 24-27) The present invention provides for the computer program product comprising comparing instructions for comparing the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt. (Specification, page 16, lines 16-18) The present invention provides for the computer program product comprising issuing instructions for issuing a credit card to the creditor based on the comparison

of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt. (Specification, page 16, lines 18-21)

A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 42 given **Figure 9** and the corresponding description at page 14, line 11 to page 16, line 23, without undue experimentation.

Independent claim 43:

The present invention provides a computer program product in a computer-readable medium for use in a data processing system for identifying teaser surfers. (Specification, page 18, lines 10-22 and page 8, lines 13-29) The present invention provides for the computer program product comprising receiving instructions for receiving credit history data for a creditor. (Specification, page 14, lines 13-16) The present invention provides for the computer program product comprising comparing instructions for comparing an amount of new credit card debt to a total amount of credit card debt. (Specification, page 16, lines 16-18) The present invention provides for the computer program product comprising issuing instructions for issuing a credit card to the creditor based on the comparison of the amount of new credit card debt to the total amount of credit card debt. (Specification, page 16, lines 18-21)

A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 43 given **Figure 9** and the corresponding description at page 14, line 11 to page 16, line 23, without undue experimentation.

Independent claim 44:

The present invention provides a data processing system implemented method for identifying teaser surfers. (Specification, page 8, lines 13-29) The present invention provides for receiving by the data processing system a credit history data for a creditor. (Specification, page 14, lines 13-16) The present invention provides for determining by the data processing system if the creditor is a teaser surfer based on the credit history data. (Specification, page 16, lines 16-

18) The present invention provides for rejecting by the data processing system a credit card to the creditor based on the teaser surfer determination. (Specification, page 16, lines 21-23)

Independent claim 45:

The present invention provides a computer program product in a computer-readable medium for use in a data processing system for identifying teaser surfers. (Specification, page 18, lines 10-22 and page 8, lines 13-29) The present invention provides for instructions for receiving credit history data for a creditor. (Specification, page 14, lines 13-16) The present invention provides for instructions for determining if the creditor is a teaser surfer based on the credit history data. (Specification, page 16, lines 16-18) The present invention provides for instructions for rejecting a credit card to the creditor based on the teaser surfer determination. (Specification, page 16, lines 21-23)

A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 45 given **Figure 9** and the corresponding description at page 14, line 11 to page 16, line 23, without undue experimentation.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to review on appeal are as follows:

A.   GROUND OF REJECTION (Claims 1-45)

Whether claims 1-45 are obvious under 35 U.S.C. § 103(a) over Lent et al. (U.S. Patent No. 6,405,181 B2).

ARGUMENT

A. GROUND OF REJECTION (Claims 1-45)

A.1. Group A: Claims 1, 11, 17, 21, 31, 37, and 41-45

Claim 1 is representative of the claims in this group and reads as follows:

1.   A data processing system implemented method for identifying teaser surfers, the method comprising:

receiving, by the data processing system, a credit history data for a creditor;

summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months;

summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months;

calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months;

calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months;

comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and

issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Appellants respectfully submit that Lent does not teach or suggest summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months, and summing, by the data processing

system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months. The Examiner seems to acknowledge that Lent does not explicitly teach these features.

Lent is directed to providing real time approval of credit over a network. Lent obtains applicant data from an applicant. The applicant data is analyzed into a form suitable for directly obtaining a credit report from a credit bureau for the applicant. A credit report having credit report data is obtained from a credit bureau for the applicant. It is then determined whether to accept the applicant using the credit report data and it is communicated to the applicant that the applicant has been approved.

In contradistinction, the presently claimed invention as recited in claim 1 is directed to identifying teaser surfers. The present invention in claim 1 uses a data processing system to receive a credit history data for a creditor; sum **a total monthly credit card debt** for all credit cards issued to the creditor for a one month period, sum **a total monthly new credit card debt** for all new credit cards issued to the creditor for a one month period, calculates a monthly percentage of **new credit card debt** to total credit card debt for a one month period, calculates an average percentage of **new credit card debt** to total credit card debt over the predetermined number of months, compares the average percentage of **new credit card debt** to total credit card debt to a preset cutoff average percentage of **new credit card debt** to total credit card debt; and issues a credit card to the creditor based on the comparison of the average **new credit card debt** to total credit card debt to a preset cutoff average percentage of **new credit card debt** to total credit card debt.

The Examiner alleges that Lent teaches summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for **each of** a predetermined number of months, at column 13, lines 47-60, column 14, lines 51-57 and column 15, lines 1-9. Column 13, lines 47-60, reads as follows:

> Next, in a step 1006, a set of offers is derived from the credit report data
> and other applicant information stored in the application object. In a step 1008,
> the set of offers is displayed. In one embodiment, the offers are derived from the
> FICO score and income of the applicant, which determine the risk of default, and
> also from a balance transfer amount specified in the offer. The balance transfer

amount may be determined as a percentage of the total revolving balance that the applicant has on all outstanding credit cards in the credit report for the applicant. Both the credit limit offered to the applicant and the interest rate offered to the applicant may vary according to the amount of the total revolving balance that the applicant chooses to transfer to the new account.

In this section, Lent describes offers are derived from the credit report data and other applicant information and displayed. The offers are derived from the FICO score and income of the applicant, which determine the risk of default, and also from a balance transfer amount specified in the offer. The balance transfer amount may be determined as a percentage of the total revolving balance that the applicant has on all outstanding credit cards in the credit report for the applicant. Both the credit limit offered to the applicant and the interest rate offered to the applicant may vary according to the amount of the total revolving balance that the applicant chooses to transfer to the new account.

Column 14, line 51 to column 15, line 9, reads as follows:

Next, in a step 1026 the system determines one or more balance transfer amounts based on the total revolving balance that the applicant has in various other credit card accounts. In one embodiment, the balance transfer amounts are calculated based on different percentages of the total revolving balance determined from all of the applicant's accounts found in the credit report. Then, in a step 1028, the system calculates for each total balance transfer amount choice that will be presented to the applicant, a predicted estimated revolving balance for the future that the applicant would be expected to maintain. The estimated total revolving balance may be equal to the balance transfer amount or may be a function of the balance transfer amount. In one embodiment, the estimated total revolving balance does not depend on the balance transfer amount. In one embodiment, four possible percentages of the applicant's total revolving balance as determined by the credit report are presented to the applicant. Those choices are none of the balance, one-third of the balance, two-thirds of the balance, and the full balance. Depending on which of those amounts is selected by the applicant, the system calculates a predicted total revolving balance for the future. Then, in a step 1030, the credit limit for the applicant is set to achieve a target dollar charge off rate based on the amount of the total revolving balance that the applicant elects to transfer and the risk of default. The process then ends at 1032.

In column 14, line 51 to column 15, line 9, Lent describes determining one or more balance transfer amounts based on the total revolving balance that the applicant has in various other credit card accounts.

Nowhere in these sections, or any other section of Lent, is there a teaching or suggestion of summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months. Lent describes using the data provided by the credit bureaus without any manipulation of the data other than parsing the data to fit into a form. That is, Lent merely **uses the applicant's total revolving balance**. Lent does not teach or suggest summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period. Lent uses the entire total revolving balance and does not teach or suggest breaking down the total revolving balance by any time period whatsoever.

Additionally, Lent does not teach or suggest summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months. The Examiner seems to acknowledge that Lent does not explicitly teach these features. However, the Examiner relies on the same sections cited above as teaching this feature. As discussed above, Lent merely uses the entire total revolving balance and does not provide for breaking down the total revolving balance by any time period whatsoever. Furthermore, Lent does not break down the information provided by the credit bureaus into new credit card debt for all new credit cards issued to the applicant. That is, Lent merely uses the applicant's total revolving balance. Lent is not concerned with determining which credit card debt is old credit card debt and which credit card debt is new credit card debt.

Furthermore, Lent fails to teach or suggest calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months. The Examiner seems to acknowledge that Lent does not explicitly teach these features. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach or suggest calculating a monthly percentage of new credit card debt to total credit card debt for a one month period.

Still further, Lent does not teach or suggest calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months. The Examiner seems to acknowledge that Lent does not explicitly teach these features. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach or suggest calculating an average percentage of new credit card debt to total credit card debt over the predetermined number of months.

Even further, Lent does not teach or suggest comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest calculating a monthly percentage of new credit card debt to total credit card debt for a one month period and calculating an average percentage of new credit card debt to total credit card debt over the predetermined number of months. Thus, Lent could not teach or suggest comparing the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

Lent does not teach or suggest issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. The Examiner seems to acknowledge that Lent does not explicitly teach these features. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest comparing the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. Thus, Lent could not issue a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. Thus, Appellants respectfully submit that Lent does not teach or suggest all of the features of independent claim 1 or independent claims 11, 17, 21, 31, 37, and 41-45 which recite similar features in their respective claim terminology.

Since the reference fails to teach or suggest summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months; summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months; calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months; calculating , by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months; comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt, the Examiner has failed to establish a *prima facie* case of obviousness, because the Examiner does not show where each and every claim limitation is taught or fairly suggested by the applied prior art.

The applied reference does not teach or suggest each and every claim limitation; therefore, Lent, do not render claim 1 obvious. Independent claims 11, 17, 21, 31, 37, and 41-45 recite similar subject matter addressed above with respect to claim 1 and are allowable for similar reasons. Since claims 2-10, 12-16, 18-20, 22-30, 32-36 and 38-40 and 35 depend from claims 1, 11, 17, 21, 31 and 37, the same distinctions between Lent and the invention recited in claims 1, 11, 17, 21, 31 and 37 apply for these claims. Additionally, claims 2-10, 12-16, 18-20, 22-30, 32-36, and 38-40 recite other additional combinations of features not taught or suggested by the references.

Furthermore, no teaching or suggestion is present in the reference to modify the reference to include such features. More specifically, there is no teaching or suggestion in Lent that a problem exists for which summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly

credit card debt is summed for each of a predetermined number of months; summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months; calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months; calculating , by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months; comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt, is a solution. To the contrary, Lent appears to teach using the applicant's total revolving balance.

In view of the above, Appellants respectfully submit that Lent fails to teach or suggest the features of claims 1, 11, 17, 21, 31, 37 and 41-45. At least by virtue of their dependency on claims 1, 11, 17, 21, 31 and 37, the features of dependent claims 2-10, 12-16, 18-20, 22-30, 32-36 and 38-40 are not taught or suggested by Lent. Accordingly, Appellants respectfully request the rejection of claims 1-45 under 35 U.S.C. § 103 not be sustained.

A.2. Group B: Claims 2, 12, 18, 22, 32, and 38

Claim 2 is representative of the claims in this group and reads as follows:

2. The method recited in claim 1, further comprises:
    summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months;
    calculating a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months;
    calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months;

comparing the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt; and

issuing a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt.

Appellants respectfully submit that Lent does not teach or suggest summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months. The Examiner relies on the same sections cited above as teaching this feature. As discussed above, Lent merely uses the entire total revolving balance and does not provide for breaking down the total revolving balance by any time period whatsoever. Furthermore, Lent does not break down the information provided by the credit bureaus into relatively new credit card debt for all new credit cards issued to the applicant. That is, Lent merely uses the applicant's total revolving balance. Lent is not concerned with determining which credit card debt is old credit card debt and which credit card debt is relatively new credit card debt.

As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months. Thus, Lent could not teach or suggest calculating a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months; calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months; comparing the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt; and issuing a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt as recited in claim 2.

In view of the above, Appellants respectfully submit that Lent fails to teach or suggest the specific features recited in independent claim 2 or similar features found in claims 12, 18, 22, 32, and 38. Accordingly, Appellants respectfully request the rejection of claims 2, 12, 18, 22, 32, and 38 under 35 U.S.C. § 103 not be sustained.

A.3. Group C: Claims 3, 4, 13, 23, 24, and 33

Claim 3 and 4 are representative of the claims in this group and reads as follows:

3.   The method recited in claim 1, wherein a new credit card is a credit card having been issued to the creditor for less than six months.

4.   The method recited in claim 1, wherein the new credit cards are credit cards having been issued to the creditor for a period of time less than a preset time period for low interest teaser interest rates.

Appellants respectfully submit that Lent does not teach or suggest a new credit card is a credit card having been issued to the creditor for less than six months or the new credit cards are credit cards having been issued to the creditor for a period of time less than a preset time period for low interest teaser interest rates. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach or suggest the features as recited in claims 3 and 4.

In view of the above, Appellants respectfully submit that Lent fails to teach or suggest the specific features recited in independent claims 3 and 4 or similar features found in claims 13, 23, 24, and 33. Accordingly, Appellants respectfully request the rejection of claims 3, 4, 13, 23, 24, and 33 under 35 U.S.C. § 103 not be sustained.

A.4. Group D: Claims 5, 6, 14, 25, 26, and 34

Claims 5 and 6 are representative of the claims in this group and reads as follows:

5.   The method recited in claim 2, wherein the relatively new credit cards are credit cards having been issued to the creditor for less than twelve months.

6.   The method recited in claim 2, wherein a relatively new credit card is a credit card having been issued to the creditor for a period of time less than two preset time periods for low interest teaser interest rates.

Appellants respectfully submit that Lent does not teach or suggest the relatively new credit cards are credit cards having been issued to the creditor for less than twelve months or a relatively new credit card is a credit card having been issued to the creditor for a period of time less than two preset time periods for low interest teaser interest rates. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach or suggest the features as recited in claims 5 and 6.

In view of the above, Appellants respectfully submit that Lent fails to teach or suggest the specific features recited in independent claims 5 and 6 or similar features found in claims 14, 25, 26, and 34. Accordingly, Appellants respectfully request the rejection of claims 5, 6, 14, 25, 26, and 34 under 35 U.S.C. § 103 not be sustained.

A.5.   Group E: Claims 7, 8, 15, 27, 28, and 35

Claims 7 and 8 are representative of the claims in this group and reads as follows:

7.   The method recited in claim 1, wherein predetermined number of months is twelve months.

8.   The method recited in claim 1, wherein predetermined number of months is twenty-four months.

Appellants respectfully submit that Lent does not teach or suggest that a predetermined number of months is twelve months or twenty-four months. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach or suggest the features as recited in claims 7 and 8.

In view of the above, Appellants respectfully submit that Lent fails to teach or suggest the specific features recited in independent claims 7 and 8 or similar features found in claims 15, 27, 28, and 35. Accordingly, Appellants respectfully request the rejection of claims 7, 8, 15, 27, 28, and 35 under 35 U.S.C. § 103 not be sustained.

A.6.   Group F: Claims 9, 10, 16, 29, 30, and 36

Claims 9 and 10 are representative of the claims in this group and reads as follows:

9.   The method recited in claim 1, wherein the preset cutoff average percentage of new credit card debt to total credit card debt is sixty-five percent.

10.   The method recited in claim 2, wherein the preset cutoff average percentage of relatively new credit card debt to total credit card debt is eighty-five percent.

Appellants respectfully submit that Lent does not teach or suggest the preset cutoff average percentage of new credit card debt to total credit card debt is sixty-five percent or the preset cutoff average percentage of relatively new credit card debt to total credit card debt is eighty-five percent. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach or suggest summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach or suggest the features recited in claims 9 and 10.

In view of the above, Appellants respectfully submit that Lent fails to teach or suggest the specific features recited in independent claim 9 or 10 or similar features found in claims 16, 29, 30 and 36. Accordingly, Appellants respectfully request the rejection of claims 9, 10, 16, 29, 30, and 36 under 35 U.S.C. § 103 not be sustained.

CONCLUSION

In view of the above, Appellants respectfully submit that claims 1-45 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellants respectfully request the Board of Patent Appeals and Interferences to reverse the rejections set forth in the Final Office Action.

Respectfully submitted,

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CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1.   A data processing system implemented method for identifying teaser surfers, the method comprising:

receiving, by the data processing system, a credit history data for a creditor;

summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months;

summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months;

calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months;

calculating , by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months;

comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and

issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

2.   The method recited in claim 1, further comprises:

summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months;

calculating a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months;

calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months;

comparing the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt; and

issuing a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt.

3.   The method recited in claim 1, wherein a new credit card is a credit card having been issued to the creditor for less than six months.

4.   The method recited in claim 1, wherein the new credit cards are credit cards having been issued to the creditor for a period of time less than a preset time period for low interest teaser interest rates.

5.   The method recited in claim 2, wherein the relatively new credit cards are credit cards having been issued to the creditor for less than twelve months.

6.   The method recited in claim 2, wherein a relatively new credit card is a credit card having been issued to the creditor for a period of time less than two preset time periods for low interest teaser interest rates.

7.   The method recited in claim 1, wherein predetermined number of months is twelve months.

8.   The method recited in claim 1, wherein predetermined number of months is twenty-four months.

9.   The method recited in claim 1, wherein the preset cutoff average percentage of new credit card debt to total credit card debt is sixty-five percent.

10.   The method recited in claim 2, wherein the preset cutoff average percentage of relatively new credit card debt to total credit card debt is eighty-five percent.

11.   A data processing system implemented method for identifying teaser surfers, the method comprising:

        receiving, by the data processing system, a credit history data for a creditor;

summing, by the data processing system, a total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months;

calculating, by the data processing system, a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months;

calculating, by the data processing system, an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months;

comparing, by the data processing system, the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt; and

issuing, by the data processing system, a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt.

12.   The method recited in claim 11, further comprises:

summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months;

calculating a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months;

calculating an average percentage of new credit card debt to total credit card debt over the predetermined number of months;

comparing the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and

issuing a credit card to the creditor based on the comparison of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

13.   The method recited in claim 11, wherein a relatively new credit card is a credit card having been issued to the creditor for less than twelve months and a credit card having been issued to the creditor for a period of time less than two preset time periods for low interest teaser interest rates.

14.   The method recited in claim 12, wherein a new credit card is a credit card having been issued to the creditor for less than six months and a credit card having been issued to the creditor for a period of time less than a preset time period for low interest teaser interest rates.

15.   The method recited in claim 11, wherein predetermined number of months is one of twelve months and twenty-four months.

16.   The method recited in claim 12, wherein the preset cutoff average percentage of new credit card debt to total credit card debt is sixty-five percent and further wherein the preset cutoff average percentage of relatively new credit card debt to total credit card debt is eighty-five percent.

17.   A data processing system implemented method for identifying teaser surfers, the method comprising:

  receiving, by the data processing system, a credit history data for a creditor;

  comparing, by the data processing system, an amount of new credit card debt to a total amount of credit card debt; and

  issuing, by the data processing system, a credit card to the creditor based on the comparison of the amount of new credit card debt to the total amount of credit card debt.

18.   The method recited in claim 17, further comprises:

  comparing an amount of relatively new credit card debt to a total amount of credit card debt;

  issuing a credit card to the creditor based on the comparison of the amount of relatively new credit card debt to the total amount of credit card debt.

19.   The method recited in claim 17, wherein the comparison of the amount of new credit card debt to the total amount of credit card debt is performed over a predetermined number of months.

20.   The method recited in claim 18, wherein the comparison of the amount of new credit card debt to the total amount of credit card debt exceeds a first predetermined threshold and the comparison of the amount of relatively new credit card debt to the total amount of credit card debt exceeds a second predetermined threshold.

21.   A data processing system for identifying teaser surfers, comprising:

receiving means of the data processing system for receiving credit history data for a creditor;

summing means of the data processing system for summing total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months;

summing means of the data processing system for summing total monthly new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months;

calculating means of the data processing system for calculating a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months;

calculating means of the data processing system for calculating an average percentage of new credit card debt to total credit card debt over the predetermined number of months;

comparing means of the data processing system for comparing the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and

issuing means of the data processing system for issuing a credit card to the creditor based on the comparison of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

22.   The system recited in claim 21, further comprises:

summing means for summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months;

calculating means for calculating a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months;

calculating means for calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months;

comparing means for comparing the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt;

issuing means for issuing a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt.

23.   The system recited in claim 21, wherein a new credit card is a credit card having been issued to the creditor for less than six months.

24.   The system recited in claim 21, wherein a new credit card is a credit card having been issued to the creditor for a period of time less than a preset time period for low interest teaser interest rates.

25.   The system recited in claim 22, wherein a relatively new credit card is a credit card having been issued to the creditor for less than twelve months.

26.   The system recited in claim 22, wherein a relatively new credit card is a credit card having been issued to the creditor for a period of time less than two preset time periods for low interest teaser interest rates.

27.   The system recited in claim 21, wherein predetermined number of months is twelve months.

28.   The system recited in claim 21, wherein predetermined number of months is twenty-four months.

29.   The system recited in claim 21, wherein the preset cutoff average percentage of new credit card debt to total credit card debt is sixty-five percent.

30.   The system recited in claim 22, wherein the preset cutoff average percentage of relatively new credit card debt to total credit card debt is eighty-five percent.

31.   A data processing system for identifying teaser surfers:

the data processing system comprising receiving means for receiving credit history data for a creditor;

the data processing system comprising summing means for summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months;

the data processing system comprising calculating means for calculating a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months;

the data processing system comprising calculating means for calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months;

the data processing system comprising comparing means for comparing the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt; and

the data processing system comprising issuing means for issuing a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt.

32.   The system recited in claim 31, further comprises:

summing means for summing total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months;

calculating means for calculating a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months;

calculating means for calculating an average percentage of new credit card debt to total credit card debt over the predetermined number of months;

comparing means for comparing the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and

issuing means for issuing a credit card to the creditor based on the comparison of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

33.   The system recited in claim 31, wherein a relatively new credit card is a credit card having been issued to the creditor for less than twelve months and a credit card having been issued to the creditor for a period of time less than two preset time periods for low interest teaser interest rates.

34.   The system recited in claim 32, wherein a new credit card is on of a credit card having been issued to the creditor for less than six months and a credit card having been issued to the creditor for a period of time less than a preset time period for low interest teaser interest rates.

35.   The system recited in claim 31, wherein predetermined number of months is one of twelve months and twenty-four months.

36.   The system recited in claim 32, wherein the preset cutoff average percentage of new credit card debt to total credit card debt is sixty-five percent and further wherein the preset cutoff average percentage of relatively new credit card debt to total credit card debt is eighty-five percent.

37.   A data processing system for identifying teaser surfers:

the data processing system comprising receiving means for receiving credit history data for a creditor; comparing means for comparing an amount of new credit card debt to a total amount of credit card debt; and issuing means for issuing a credit card to the creditor based on the comparison of the amount of new credit card debt to the total amount of credit card debt.

38.   The system recited in claim 37, further comprises:

comparing means for comparing an amount of relatively new credit card debt to a total amount of credit card debt;

issuing means for issuing a credit card to the creditor based on the comparison of the amount of relatively new credit card debt to the total amount of credit card debt.

39.   The system recited in claim 37, wherein the comparison of the amount of new credit card debt to the total amount of credit card debt is performed over a predetermined number of months.

40.   The system recited in claim 38, wherein the comparison of the amount of new credit card debt to the total amount of credit card debt exceeds a first predetermined threshold and the comparison of the amount of relatively new credit card debt to the total amount of credit card debt exceeds a second predetermined threshold.

41.   A computer program product in a computer-readable medium for use in a data processing system for identifying teaser surfers:

the computer program product comprising receiving instructions for receiving credit history data for a creditor;

the computer program product comprising summing instructions for summing total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months;

the computer program product comprising summing instructions for summing total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months;

the computer program product comprising calculating instructions for calculating a monthly percentage of new credit card debt to total credit card debt for a one month period,

wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months;

the computer program product comprising calculating instructions for calculating an average percentage of new credit card debt to total credit card debt over the predetermined number of months;

the computer program product comprising comparing instructions for comparing the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and

the computer program product comprising issuing instructions for issuing a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

42.   A computer program product in a computer-readable medium for use in a data processing system for identifying teaser surfers:

the computer program product comprising receiving instructions for receiving credit history data for a creditor;

the computer program product comprising summing instructions for summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months;

the computer program product comprising calculating instructions for calculating a monthly percentage of relatively new credit card debt to total credit card debt for a one month

period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months;

the computer program product comprising calculating instructions for calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months;

the computer program product comprising comparing instructions for comparing the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt; and

the computer program product comprising issuing instructions for issuing a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt.

43.   A computer program product in a computer-readable medium for use in a data processing system for identifying teaser surfers:

the computer program product comprising receiving instructions for receiving credit history data for a creditor;

the computer program product comprising comparing instructions for comparing an amount of new credit card debt to a total amount of credit card debt; and

the computer program product comprising issuing instructions for issuing a credit card to the creditor based on the comparison of the amount of new credit card debt to the total amount of credit card debt.

44.   A data processing system implemented method for identifying teaser surfers, the method comprising:

receiving by the data processing system a credit history data for a creditor;

determining by the data processing system if the creditor is a teaser surfer based on the credit history data; and

rejecting by the data processing system a credit card to the creditor based on the teaser surfer determination.

45.   A computer program product in a computer-readable medium for use in a data processing system for identifying teaser surfers, the computer program product comprising instructions for receiving credit history data for a creditor, instructions for determining if the creditor is a teaser surfer based on the credit history data, and instructions for rejecting a credit card to the creditor based on the teaser surfer determination.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.